IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1739 OF 2005

IN

CRIMINAL APPEAL NO. 271 OF 2005

1.Shri Govindram @ Gujji Subbarao

Lingam & Anr. ... Applicants

V/s

State of Maharashtra .. Respondent

Shri. G.V. Bhagat for applicants

Shri A.S. Shitole, APP for the State

Coram : V.M. Kanade, J.

Dated : 28.03.2005.

P.C.

. Heard learned counsel for applicants. The applicant No. 1 was convicted for an offence punishable under section 397 of Indian Penal Code and sentenced to suffer rigorous imprisonment for 7 years. The applicant No.2 was convicted for an offence punishable under section 414 of Indian Penal Code and sentenced to suffer rigorous imprisonment for 2 years.

. The prosecution case is that accused Nos. 1 and 2 entered into shop and committed dacoity and accused Nos. 3 and 4 at that time were standing

outside the shop. It is submitted by learned counsel appearing for applicants that so far as applicant No.1 is concerned, he was not identified in test identification parade which was held by the prosecution. He further submits that no recovery has been made from applicant No.1. Learned counsel for applicants submits that there are no criminal antecidents. So far as applicant No.1 is concerned, prima facie case is made out for the grant of bail.

. So far as applicant No.2 is concerned, he is sentenced to suffer rigorous imprisonment for 2 years. The learned counsel appearing for the applicants has brought to my notice that there are three cases filed against applicant No.2. Out of which, one case is under section 392 and others are under sections 397 and 234(2) of Indian Penal Code.

. Considering the fact that applicant No.2 is sentenced to suffer rigorous imprisonment for 2 years and appeal is not likely to be heard immediately under these circumstances and taking an the overall view of the matter, both the applicants are released on bail on a sum of Rs. 5000/- each with one or two sureties in the like amount.. The applicants No.1 and 2 to report Vithalwadi Police Station once in a week. Parties to act on authenticated copy issued by Registry.

(V.M. Kanade, J.)